

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GEORGE LOPEZ, et al.,	:	
	:	
Plaintiffs,	:	Civil No. 3:21-CV-1819
	:	
v.	:	(CONNER, J.)
	:	(MEHALCHICK, M.J.)
JOHN E. WETZEL, <i>et al.</i> ,	:	
	:	
Defendants.	:	

DEFENDANTS’ RESPONSE TO NOVEMBER 22, 2022, COURT ORDER

AND NOW come the Defendants, by and through their attorney, Kim Adams, Assistant Counsel for the Department of Corrections, and provides this response to the Court’s November 22, 2022, Court Order.

1. Plaintiffs are George Lopez, Darien Houser, Gerald Watkins, Jose Uderra, Ralph Stokes, and Richard Poplawski, death-sentenced prisoners presently incarcerated by the Commonwealth of Pennsylvania, Department of Corrections (“the Department”), at the State Correctional Institution at Phoenix (“SCI-Phoenix”).
2. On October 26, 2021, Plaintiffs filed a complaint pursuant to 42 U.S.C. § 1983 alleging violations of their rights under the Eighth and Fourteenth Amendments, as well as the Americans with Disabilities Act (“ADA”). See Doc. 1.

3. On February 18, 2022, Defendants filed a Motion to Dismiss and Brief in Support. See. Docs. 32 and 33.
4. On April 20, 2022, Plaintiffs filed a Brief in Opposition to Defendants' Motion to Dismiss. See. Doc. 46.
5. On August 3, 2022, Magisterial Judge Mehalchick issued a Report and Recommendation. See. Doc. 53.
6. On August 17, 2022, Defendants filed Objections to the Report and Recommendation. See. Doc. 58.
7. On September 12, 2022, Plaintiffs filed a Brief in Response to Defendants' Objections to the Report and Recommendation. See. Doc. 75.
8. On October 31, 2022, Defendants submit a letter regarding a supplemental authority. See. Doc. 82.
9. On November 26, 2022, Plaintiffs filed a Motion to Leave to Respond to the Supplemental Authority. See. Doc. 84.
10. On November 22, 2022, Judge Conner issued an Order, treating Plaintiffs' Motion as a Motion to Strike and directed Defendants to respond by December 2, 2022.
11. On November 30, 2022, Judge Conner issued an Order and Memorandum, Adopting the Report and Recommendation as to Plaintiffs Eighth Amendment

and statutory claims, and Granted Defendants Motion to Dismiss as to the Fourteenth Amendment claim with prejudice. See. Docs. 86 and 87.

12. Since Judge Conner issued his Order and Memorandum to Defendants' Objections, Defendants do not intend to file a response given the motion has been resolved, to the November 22, 2022, Court Order, unless directed to by the Court.

Respectfully submitted,

By: /s/ Kim Adams
Kim Adams
Assistant Counsel
Attorney I.D. No. PA 205848
Pennsylvania Department of Corrections
Office of Chief Counsel
1920 Technology Parkway
Mechanicsburg, PA 17050
(717) 728-7763
Fax No.: (717) 728-0307
Email: kimbadams@pa.gov

Dated: December 1, 2022

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GEORGE LOPEZ, et al.,	:	
	:	
Plaintiffs,	:	Civil No. 3:21-CV-1819
	:	
v.	:	(CONNER, J.)
	:	(MEHALCHICK, M.J.)
JOHN E. WETZEL, <i>et al.</i> ,	:	
	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Status Report upon George Lopez (CZ3198), Darien Houser (GC7509), Gerald Watkins (DD5212), Ralph Stokes (AY9034) and Richard Poplawski (KB7354) at Smart Communications/PA DOC, SCI Phoenix, PO Box 33028, St. Petersburg, FL 33733; and,

Jose Uderra
687 E. Philadelphia St
York, PA 17403

/s/ Luana DeBernardis
Luana DeBernardis
Legal Office Administrator I
Pennsylvania Department of Corrections
Office of Chief Counsel
1920 Technology Parkway
Mechanicsburg, PA 17050
(717) 728-7763

Dated: December 1, 2022